



Report to Planning & Zoning Commission

Clay County, Missouri

Case Number **March 14-112F**

Case Type **Final Plat**

Project Name **Providence Hills Estates**

Applicant/Owner Adam Ferrell
 12104 N. Stark Ave.
 Kansas City, MO 64167

Owners Robert & Sandra Ferrell (*property at 12318 N. Stark Ave.*)
 102 S. Fairview
 Liberty, MO 64068-1427

Request **Final Plat** approval of Providence Hills Estates

Application Submittal 2014-01-31

Public Notice Published N/A

Neighbor Letters Sent 2014-02-14

Report Date 2014-02-27

REPORT AUTHOR(S) Debbie Viviano, Planner
 Matt Tapp, Director

Recommendation APPROVAL with conditions



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General Information

Site Location: approx. 12104 & 12318 N Stark Ave
Section 14 & 15 | Township 52 | Range 32

Site Size: 59.26± Acres

Existing Landuse & Zoning: Agricultural (AG) and Residential Ranchette (R-5)

Zoning/Platting History:

Rezoning/Preliminary Plat - Res#2012-196; Final Plat – Res# 2012-294-(*Not Recorded*); Final Plat – Res#2013-87 – (*Not Recorded*)

Surrounding Landuse & Zoning:

- North – Agricultural (AG) Zoned Land, Replat Millen Subdiv (R-1A), Millen Subv (AG), Providence Baptist Church (R-1 & AG)
- East – Agricultural (AG) Zoned Land
- South – Agricultural (AG) Zoned Land, City of Kansas City [1/4 mile]
- West – Ballybrook Estates (R-1A), Cornerstone Valley (R-1A)

Current Conditions:

Existing Property Lines = **YELLOW** | Subject Property = **Square Red Hatch**



Courtesy Clay County Assessor
GIS/Mapping



Courtesy Microsoft® Bing™



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Assessment

Adam Ferrell is requesting **Final Plat** approval for Providence Hills Estates, 59.26± acres located at approximately 12104 and 12318 N Stark Avenue.

The property owners would like to divide the land to create two (2) new single-family dwelling lots (Lots 2 and 3), and Mark Mead would like to re-locate his concrete construction business (www.markmeadconcrete.com) to the proposed C-2 portion of Lot 4 and also have his son (Jeremiah) live in the existing house on the RU-80 portion.

Character of the General Neighborhood

Agricultural (AG) zoned property is in each direction of the property with the exception to the West, where the subdivision Ballybrook Estates (R-1A) rests. Providence Baptist Church, a major place of worship, lies directly to the north of the subject request [See Attachment B].

Code Considerations

The review procedures and submittal content for a Final Plat must be in substantial compliance with the approved preliminary plat in accordance with the requirements under Section 151-3.6 (D) of the Clay County 2011 Land Development Code ("LDC"). Based on all the materials and evidence presented, the subject request *appears to substantially comply with the LDC and preliminary plat*.

Standard side and rear setbacks and height restrictions apply to all other aspects of this application. The application was properly noticed, per regulations. Adjacent property owners within the mandated 1,000 foot distance were notified by means of a letter dated February 14, 2014.

Outside Agency Review

The Clay County Highway Department noted:

"Driveway entrance to Lot 4 will need to be moved to crest of hill (north of existing mailbox) to accommodate large truck/trailer traffic. Other lots will be assessed for driveway access as need per Clay County Technical Spec's and MUTCD guidelines. Lot 4 is currently a residential driveway, due to the change in zoning and the new driveway serving a commercial business, a commercial driveway permit will be required."

The Clay County Health Department has given preliminary and final approval. The Public Water Supply District No. 6 of Clay County presently provides water service for the property and is able to supply the additional meters. The Smithville Fire District serves the property. Future construction will need to comply with their fire protection codes. Any building plans shall be submitted and approved by the fire district before a building permit will be issued, and then prior to a Certificate of Occupancy being issued a letter of compliance is required from the fire district. Platte-Clay Electric presently serves the property and has the necessary facilities to serve the request.

The Ferrells spoke with the Army Corp of Engineers ("COE") regarding the drive crossing the creek. COE verbally responded that when a driveway is constructed for Lot 2 a permit from the them would be needed only if the bed of the creek is proposed to be touched. Presently, the Ferrell's are planning on spanning the creek with a bridge for the drive.

The Clay County Soil and Water Conservation District was inspected and the existing pond structure, which is a government pond with the structure, built in the year 2005 or 2006 is in very good condition.



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Findings

A shared driveway agreement will need to be in place at the time of Final Plat recording. Emergency addressing (911 signage) should be in place when a new residence is built on Lot 2 or 3. Owners of the lots shall maintain both driveway and 911 signs.

Road Impact Fees (*RIF*) are not required for proposed Lot 1 and 4 as they occupy existing residences. A RIF waiver for Lot 2 has been approved by the Highway Department. However, RIF will be required for the additional Lot 3 and must be paid prior to the recording of the final plat. The estimated amount of RIF is \$1,031.25 and is subject to change at the time of payment based on the market price of material.

The Clay County Parks Department is requesting a 15' Recreational Easement to be located within the first 15' of the 30' Utility Easement (UE) along the frontage of N. Stark Ave the Recreational Easement ("R.E.") will need to be added to the recording copies of the final plat along with the standard note.

A Planned Unit Development ("PUD") overlay zoning district is a type of development plan and zoning tool used to address mixed use development between residential and non-residential (e.g. commercial or industrial) uses as requested for proposed Lot 4. *Attachment D* is the proposed business plan and site plan drawing for Lot 4.

The type of business ("*Construction Office/Service*") is not specifically classified in the Use Table of the LDC (Section 151-6.1), but staff recommends the proposed business as submitted best fits the "Community Commercial" (C-2) commercial zoning classification. The business is to be located on the west portion of the proposed Lot 4, which will need to be adequately screened and buffered. While the C-2 district prohibits outdoor storage areas, a PUD allows for greater flexibility in zoning requirements. As such, staff recommends that those areas designated on the site plan [see *Attachment D*] as storage be allowed if approved by the PZC and County Commission and properly screened from public view by adjacent property and public roadway either by fencing or vegetative plantings that effectively block the view.

Section 151-10.1 (F) (4) of the LDC addresses the required roadway and parking area surfacing type for all non-residential development/uses, and states:

"All off-street parking areas, drive aisles, internal roadways, and loading areas for all uses except agriculture or single-family uses in the AG, R-1 or R-5 districts shall be paved and kept in a dust-free condition at all times. Paving shall consist of asphaltic concrete with a minimum thickness of 4 inches, Portland cement concrete with an equivalent thickness, or bricks or paving blocks intended for outdoor use by motor vehicles".

The Meads have agreed that the driveway, parking areas, and drive aisles for the business will all be paved and dust-free.

The existing house is set back approximately 100' from the new right-of-way/property line. This may remain; however, any accessory buildings must be placed to the side or rear of the existing house and not within the C-2 district.



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Recommendations

Staff recommends the **Final Plat** of **Providence Hills Estates** be **approved**, with the following conditions as shown on Exhibit A:

Exhibit A

1. Road Impact Fee (*RIF*) agreement recorded and fees paid for Lot 3 prior to the recording of the final plat. RIF waiver approved or fees paid for Lot 2 prior to the recording of the final plat.
2. A shared driveway agreement will need to be in place at the time of Final Plat recording.
3. Emergency addressing (911 signage) must be in place prior to the occupancy of any single family residence on Lots 2 or 3. Owners of the Lots must maintain both driveway and 911 signs.
4. Any future new or additions to structures will need to have building plans submitted and approved by the fire district before a building permit will be issued, and then prior to a Certificate of Occupancy being issued a letter of compliance is required from the fire district.
5. Designated outdoor storage must be screened from public view by adjacent property and public roadway either by fencing or vegetative plantings that effectively block the view.
6. All off-street parking areas, drive aisles, internal roadways, and loading areas used for the C-2 zoning district must be paved and kept in a dust-free condition at all times. Paving consists of asphaltic concrete with a minimum thickness of 4 inches, Portland cement concrete with an equivalent thickness, or bricks or paving blocks intended for outdoor use by motor vehicles.
7. The following changes to the recording copies of the final plat:
 - a. ADD: 15-foot Recreational Easement ("R.E.") graphic in the drawing and text in dedication section.
 - b. ADD NOTE: *"A recreational easement consistent with the Northland Trails design guidelines has been granted to Clay County for the purpose of developing part of trail "C-17 Third Priority" of the Northland Trails Plan along the West side of N. Stark Ave."*



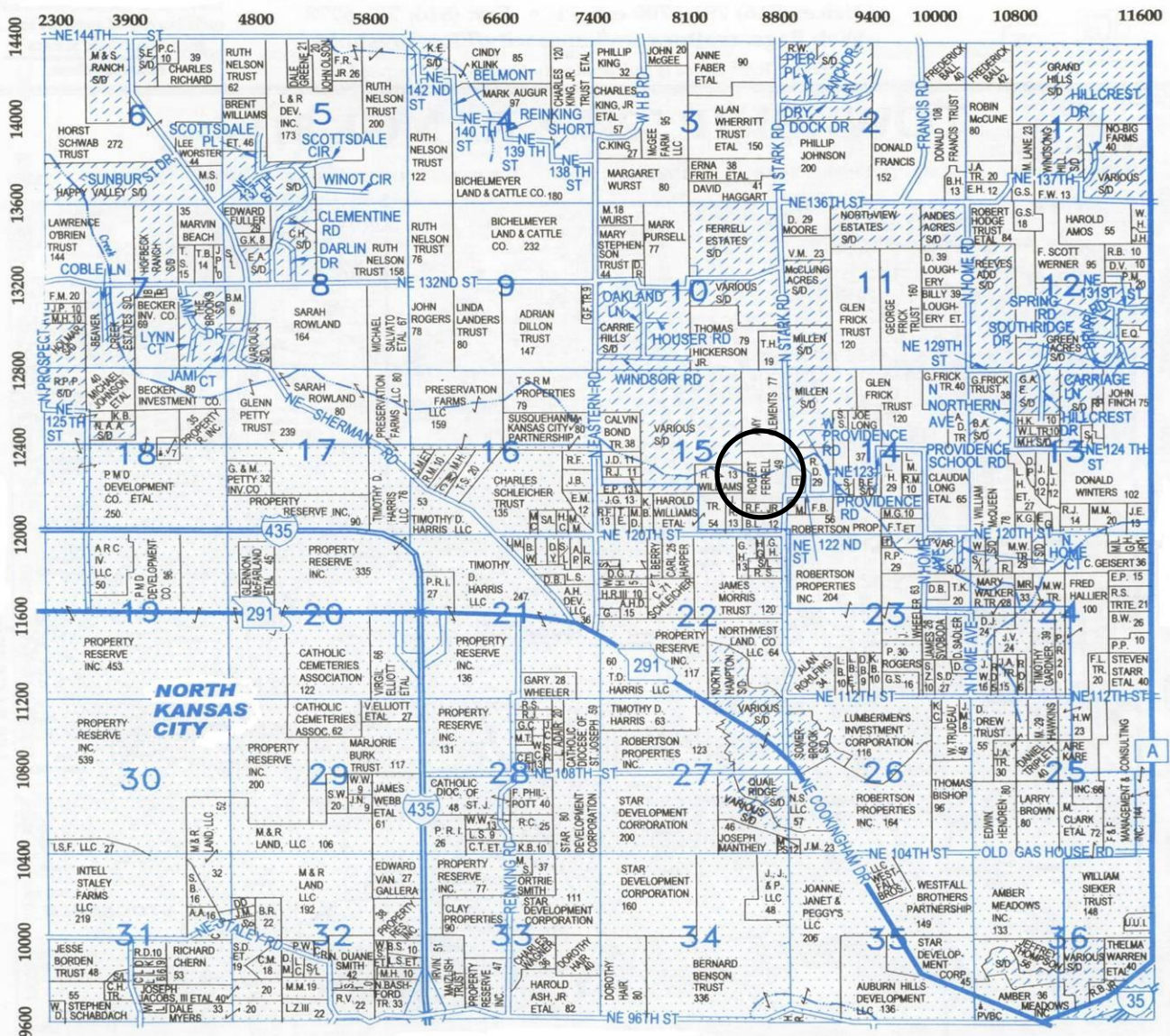
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Attachments

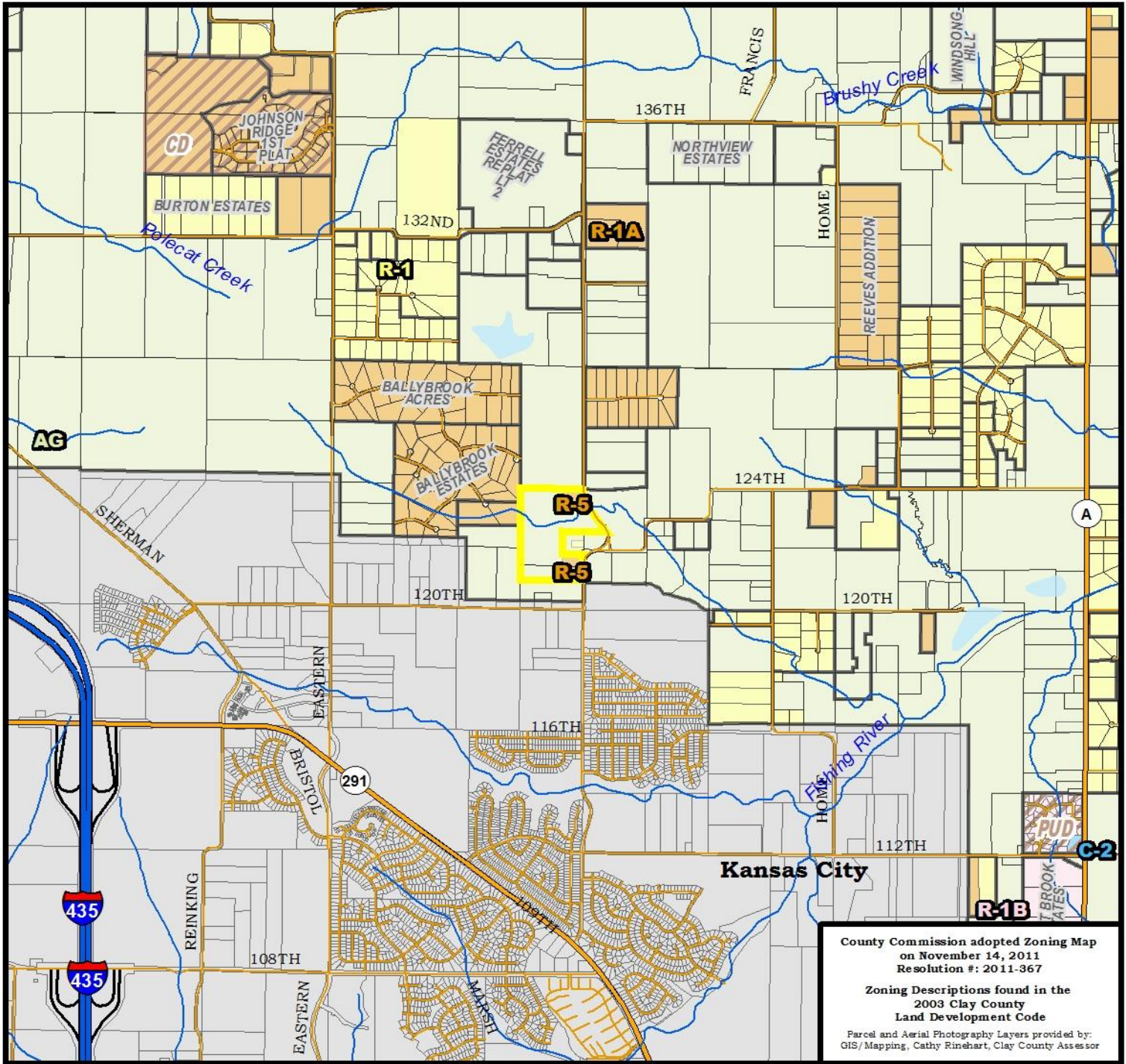
March 14-112F – Providence Hills Estates Attachment A – Vicinity Map

TOWNSHIP 52N • RANGE 32W



March 14-112F – Providence Hills Estates

Attachment B - Existing Conditions Map



County Commission adopted Zoning Map
on November 14, 2011
Resolution #: 2011-367

Zoning Descriptions found in the
2003 Clay County
Land Development Code

Parcel and Aerial Photography Layers provided by:
GIS/Mapping, Cathy Rinehart, Clay County Assessor



Planning & Zoning Department



1 inch = 3,000 feet
1 inch = 0.57 miles

LEGEND

- Property Line
- Roads
 - Interstates
 - State Highways
 - Local Roads
 - Highway Ramps
- ~ Streams (EPA)
- Railroads
- Subdivisions
- 2013 City Limits
- Parks
- County Boundaries

Overlay Districts

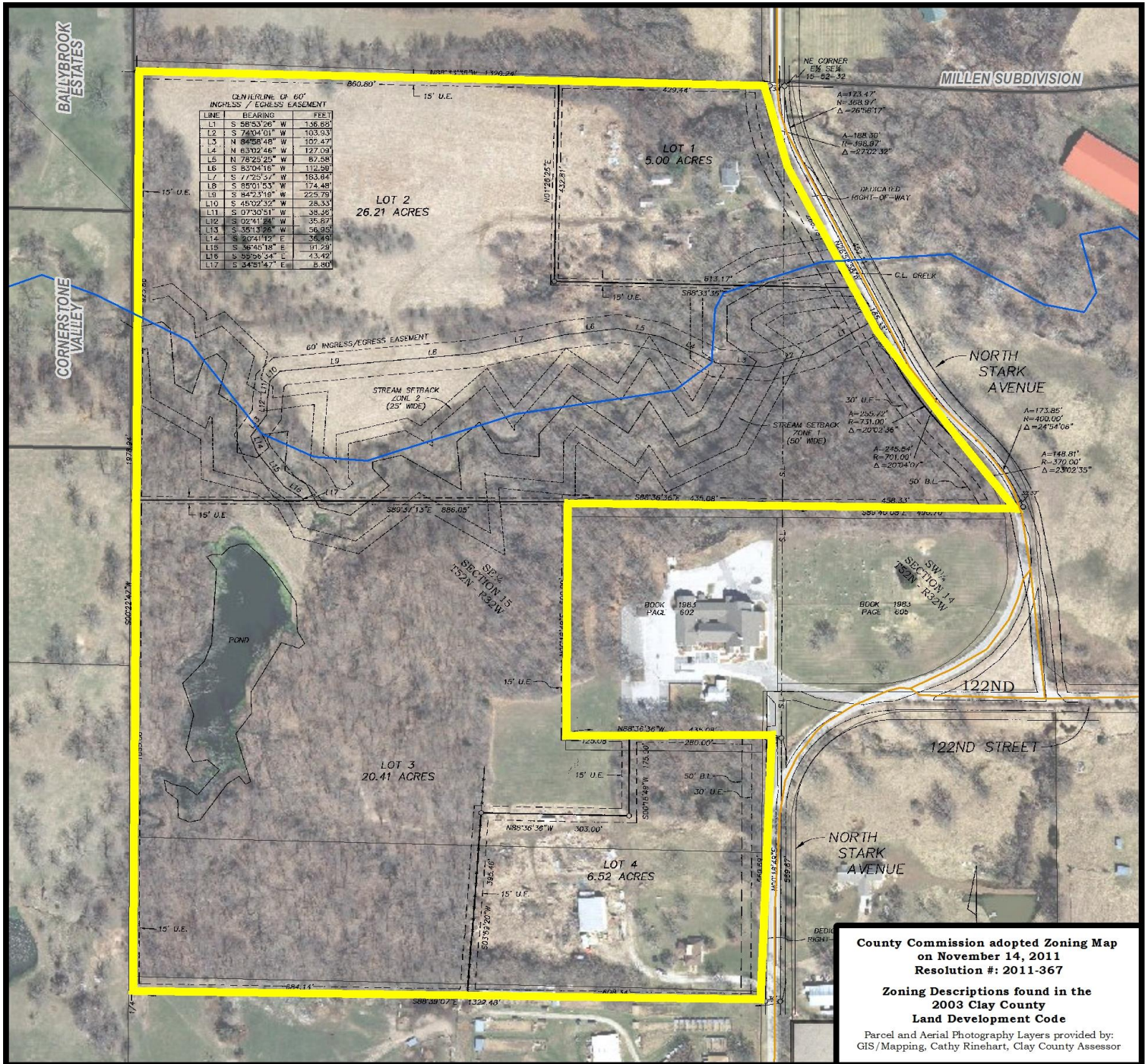
- CD (Conservation District)
- PUD (Planned Unit Development)

Zoning Districts

- C-1
- C-2
- C-3
- AG
- R-1
- R-1A/R-5
- R-1B/RU
- R-3
- I-1
- I-2
- OP

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Attachment C - Site Plan Map



County Commission adopted Zoning Map on November 14, 2011
Resolution #: 2011-367
Zoning Descriptions found in the 2003 Clay County Land Development Code
Parcel and Aerial Photography Layers provided by: GIS/Mapping, Cathy Rinehart, Clay County Assessor



Planning & Zoning Department



1 inch = 300 feet
1 inch = 0.06 miles

LEGEND

- Property Line
- ~ Roads
 - ~ Interstates
 - ~ State Highways
 - ~ Local Roads
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